

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**In re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation**

**Master File No. 1:00-1898
MDL No. 1358 (SAS)
(M21-88)**

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This Document Relates To:

**AMENDED NOTICE AND
ORDER OF RULE 41(a)(2)
DISMISSAL OF
DEFENDANT PHIBRO LLC**

*American Distilling and Mfg. Co. Inc. v.
Amerada Hess Corp.*, 04 Civ. 1719

*Our Lady of the Rosary Chapel v. Amerada
Hess Corp.*, 04 Civ. 1718

*Town of East Hampton v. Amerada Hess
Corp.*, 04 Civ. 1720

*United Water Connecticut, Inc. v. Amerada
Hess Corp.*, 04 Civ. 1721


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On July 30, 2009, Plaintiffs in the above-captioned matters filed a Notice And Order of Rule 41(a)(2) Dismissal of Defendant Phibro, Inc. In order to reflect its current legal name, Plaintiffs hereby file this amended notice to dismiss Phibro LLC, named in the above-captioned matters as Phibro, Inc. Accordingly, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned matters hereby move to dismiss without prejudice Phibro LLC from the above referenced causes of action, with each party to bear its own costs. Plaintiffs reserve all other rights as against all other defendants.

Pursuant to the Court's directive at the October 30, 2008 Status Conference, any party opposing Plaintiffs' dismissal of Phibro LLC shall have 14 days to file its objection. Plaintiffs

respectfully move this Court for an Order dismissing Phibro LLC (named in the above-captioned matters as Phibro, Inc.) without prejudice from each of the above causes of action pursuant to Federal Rule of Civil Procedure 41(a)(2), with each party to bear its own costs.

DATED: August 6th, 2009


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Attorneys for Plaintiffs

SO ORDERED:

THE HONORABLE JUDGE SCHEINDLIN
United States District Judge

Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of August 2009, I filed the foregoing

**AMENDED NOTICE AND ORDER OF RULE
41(a)(2) DISMISSAL OF DEFENDANT PHIBRO LLC**

electronically through the CM/ECF system of this Court, which causes the parties or counsel to be served by electronic means. In addition, on this same day, the above document was served via e-mail upon liaison counsel and via LexisNexis File & Service to all other counsel of record. A copy was provided to the Clerk, Seth Ard, via email, and the original and one copy were served via Federal Express to the Clerk of the Court.


SHELLY SHETLER